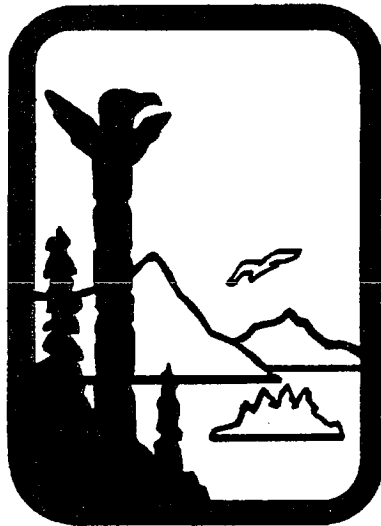


DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 60

Solid Waste Management

Public Comment Version

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**Sean Parnell
Governor**

**Larry Hartig
Commissioner**

18 AAC 60.025 is amended to read:

18 AAC 60.025. Polluted soil. (a) Unless disposal is approved under (b) of this section, polluted soil may be disposed of only in a Class I MSWLF or a landfill that meets all applicable requirements of this chapter and federal law for the disposal of industrial solid waste[,] or for drilling waste.

(b) The disposal of polluted soil at a landfill other than a landfill that meets the requirements in (a) of this section will be approved if the owner of the polluted soil and the owner or [THE] operator of the landfill demonstrate [DEMONSTRATES], to the satisfaction of the department, that

(1) the waste in the landfill cannot be leached or washed into nearby surface water;

(2) the polluted soil will not cause a threat to the public health, safety, or welfare, or to the environment;

(3) the owner of the landfill agrees to implement institutional controls that the department determines are necessary for long term protection of the public health, safety, or welfare and the environment; and

(4) a practical potential does not exist for migration of a hazardous constituent from that landfill to an aquifer of resource value during the active life of the landfill and post closure care; the demonstration required by this paragraph must be certified by a qualified groundwater scientist and based upon site-specific

(A) field-collected measurements, sampling, and analysis of physical, chemical, and biological processes affecting fate and transport of hazardous constituents; and

(B) hazardous constituent fate and transport predictions that anticipate maximum, likely migration and consider effects on public health, safety, and welfare and the environment. (Eff. 1/28/96, Register 137; am 7/11/99, Register 151; am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.299	AS 46.03.810
	AS 46.03.010	AS 46.03.302	AS 46.04.020
	AS 46.03.020	AS 46.03.800	AS 46.09.020
	AS 46.03.296		

The lead in language to 18 AAC 60.200(a) is amended to read:

18 AAC 60.200. Permit requirement. (a) Except as otherwise provided in this section, a person may treat or dispose of solid waste, or construct, modify, or operate a solid waste facility only in accordance with a waste disposal permit issued by the department under 18 AAC 60.215 or a Research, Development, and Demonstration permit issued under 18 AAC 60.213. However, a permit under this chapter is not required for

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(Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 7/11/99, Register 151; am 9/7/2002, Register 163; am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.100	AS 46.03.800
	AS 46.03.010	AS 46.03.110	AS 46.03.810
	AS 46.03.020		

18 AAC 60.205 is repealed:

18 AAC 60.205. Solid waste management planning. Repealed. __/__/__.

(Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 9/7/2002, Register 163; repealed __/__/__, Register __)

The lead in language to 18 AAC 60.210(b) is amended to read:

(b) Except for an application for a Research, Development, and Demonstration permit under 18 AAC 60.213, or an application for biosolids that are to be applied to land under 18 AAC 60.510, an application for a permit or permit renewal must consist of

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(Eff. 1/28/96, Register 137; am 6/28/96, Register 138; am 10/29/98, Register 148; am 7/11/99, Register 151; am 6/30/2002, Register 162; am 9/7/2002, Register 163: am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.010	AS 46.03.100
	AS 44.46.025	AS 46.03.020	AS 46.03.110

18 AAC 60 is amended by adding a new section to read:

18 AAC 60.213. Research, Development, and Demonstration project permits. (a) The owner or operator of a permitted Class I MSWLF with a leachate collection system and State-approved liner may apply for a Research, Development, and Demonstration (RD&D) permit if the owner or operator wants to utilize methods that vary from the following requirements:

(1) run-on control system in 18 AAC 60.225(c); and

(2) liquids restriction in 18 AAC 60.360(a)(2).

(b) The application for a RD&D permit must be submitted to the department using a form provided by the department.

(c) Fees will be assessed in accordance with 18 AAC 60.700(f).

(d) A RD&D permit will only be issued for a variance under (a) that includes a defined project goal and quantitative methods to measure progress toward that goal.

(e) An RD&D permit must

(1) be at least as protective of human health and the environment as a regular permit issued under this chapter;

(2) only allow the MSWLF to accept waste types and quantities relevant to the research proposal; and

(3) require that progress reports be submitted to the department two times per year that include

(A) a description of progress towards the stated project goals;

(B) a summary of all monitoring and testing results;

(C) operating information related to permit conditions required by the department; and

(D) any problems encountered during the report period.

(f) An RD&D permit issued under this section

(1) shall not exceed three years; and

(2) may not be renewed more than three times, for a total of 12 years. (Eff.

___/___/___, Register ___)

Authority: AS 44.46.020 AS 46.03.100 AS 46.03.800
AS 46.03.010 AS 46.03.110 AS 46.03.810
AS 46.03.020

The lead in language to 18 AAC 60.215(a) is amended to read:

18 AAC 60.215. Permit issuance. (a) Except for a RD&D permit issued under 18 AAC 60.213, the [THE] department will issue or deny a permit after reviewing information contained in the application and the public record, based upon the

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(Eff. 1/28/96, Register 137; am 10/29/98, Register 148: am __/__/__, Register __)

Authority: AS 44.46.020 AS 46.03.100 AS 46.03.800
AS 46.03.010 AS 46.03.110 AS 46.03.810
AS 46.03.020

18 AAC 60.225(c) is amended to read

(c) Except for a Class III MSWLF that meets the conditions of 18 AAC 60.300(c)(3)(B), or a facility at which a variance from this paragraph has been authorized under 18 AAC 60.213, the owner or operator of a solid waste disposal facility shall construct and maintain a run-on control system that will prevent run-on from flowing onto the active portion of the facility. The control system must be capable of handling the peak discharge from a 25-year storm. (Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am __/__/__, Register __)

Authority: AS 44.46.020 AS 46.03.100 AS 46.03.810
AS 46.03.010 AS 46.03.110 AS 46.06.080
AS 46.03.020 AS 46.03.800

18 AAC 60.255(c) is amended to read:

(c) An applicant for a general permit shall submit to the department a petition in which the applicant demonstrates that the facilities or activities to be covered meet the conditions described in (a) of this section. If the proposed general permit will authorize activities that are located in or may affect a coastal zone, the applicant shall also complete and submit the coastal project questionnaire required by **11 AAC 110.205** [6 AAC 50.070]. A general permit may be sought by a single owner or operator, but the department will give priority to applications jointly submitted by two or more owners or operators of facilities that would be subject to the general permit. If the department approves an application for a general permit under this section or, on its own motion, proposes to create a general permit, the department will publish notice of the proposed permit in two issues of a newspaper of general circulation in the area where the waste management is to take place and in other media that the department considers appropriate. The notice will summarize the proposed permit, state where the waste management is to be allowed, [STATE THE FEE TYPE DESCRIBED IN (i) OF THIS SECTION,] state where copies of the proposed permit and supporting documents may be obtained, and state that any person who wants to express an opinion to the department may send written comments to the department within 30 days. The department will send a copy of the public notice and the proposed general permit and supporting documents to the commissioners of

- (1) fish and game;
- (2) natural resources;
- (3) deleted;
- (4) commerce, community, and economic development; and
- (5) health and social services.

18 AAC 60.255(e) is amended to read:

(e) A general permit will contain criteria by which facilities may qualify for coverage under the general permit. A person who seeks to be covered under a general permit issued under this section may submit an application to the department on a form provided by the department or in accordance with the conditions of the general permit. The application must be accompanied by the annual fee identified in Table **I-4** [I-5] in 18 AAC 60.700(a) [FOR THE TYPE OF GENERAL PERMIT SPECIFIED IN THE PUBLIC NOTICE UNDER (c) OF THIS SECTION]. In addition, the application must

- (1) be submitted within the time period identified in the form for the general permit under which coverage is sought; and
- (2) clearly show how the proposed activity meets the criteria and conditions of the general permit.

18 AAC 60.255(i) is repealed:

(i) Repealed __/__/__.

...

(Eff. 1/28/96, Register 137; am 6/28/96, Register 138; am 10/29/98, Register 148; am 6/30/2002, Register 162; am 7/11/2002, Register 163; am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.020	AS 46.03.810
	AS 44.46.025	AS 46.03.100	AS 46.06.010
	AS 46.03.010	AS 46.03.110	AS 46.06.080

18 AAC 60.260(a) is amended to read:

18 AAC 60.260. Permit modification and revocation. (a) Except for a general permit subject to modification or revocation under 18 AAC 60.255, the department will

(1) revoke a permit issued under this chapter if

(A) the permittee violates an applicable state law or a condition of the permit, including a violation that results in a threat to public health or the environment;

(B) there is a material change in the operation or in the type or quantity of waste for which the permit was issued; or

(C) the permit was procured by misrepresentation of material fact or by the applicant's failure to fully disclose a material fact; or

(2) modify a permit issued under this chapter

(A) for any of the causes for revocation listed in (a)(1) of this section;

or

(B) if the permitted operation causes or contributes to a material change in the quality of water of the state.

(Eff. 1/28/96, Register 137; am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.100	AS 46.03.850
	AS 46.03.010	AS 46.03.120	AS 46.35.090(e)
	AS 46.03.020	AS 46.03.820	

18 AAC 60.360(a) is amended to read:

18 AAC 60.360. Liquids restrictions. (a) Bulk or noncontainerized liquid waste may not be placed in a MSWLF unless the waste is

(1) household waste other than septage; [OR]

(2) leachate or gas condensate derived from the MSWLF, and the MSWLF is designed with a bottom liner that meets the standard set in 18 AAC 60.330(c); or

(3) authorized for disposal by a permit issued under 18 AAC 60.213. (Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.100	AS 46.03.800
	AS 46.03.010	AS 46.03.110	AS 46.03.810
	AS 46.03.020		

18 AAC 60.700(a) is repealed and readopted to read:

18 AAC 60.700. Fee requirements. (a) Except as provided in (g) and (i) of this section, the owner or operator of a solid waste disposal facility shall pay the applicable service fees and annual fees as prescribed in Tables I-1, I-2, I-3, and I-4 of this subsection. The owner or operator of a facility subject to the annual fee requirement shall continue to pay the annual fee until the department approves termination of the post-closure obligations under 18 AAC 60.270.

**TABLE I-1
ANNUAL MUNICIPAL SOLID WASTE LANDFILL
FACILITY FEES**

Facility Type:	Class I	Class II	Class III (camp) ¹
Fees for individual permits			
Total annual fee	\$6,437	\$2,983	\$491
Operation under comprehensive waste management permit under 18 AAC 60.207			
Total annual fee	\$7,724	\$3,413	\$589
Post-closure period fees²			
Total annual fee	Not Applicable ³	\$1,553	\$272
<p>Notes:</p> <p>¹ A Class III (camp) landfill is a MSWLF that is classified under 18 AAC 60.300(c)(3)(A).</p> <p>² This fee is payable each year from the time final closure is completed under 18 AAC 60.390 – 18 AAC 60.395 until the department approves termination of the post-closure obligations under 18 AAC 60.270.</p> <p>³ Post Closure fees for Class I landfills are subject to charges under 18 AAC 60.700(f).</p>			

**TABLE I-2
ANNUAL NONMUNICIPAL SOLID WASTE LANDFILL
FACILITY FEES**

Facility Type: ¹	Type X	Type Y	Type Z
Fees for individual permits			
Total annual fee	\$1,763	\$466	\$842
Operation under comprehensive management permit under 18 AAC 60.207			
Total annual fee	\$2,116	\$1,356	\$1,010
Post-closure period fees²			
Total annual fee	\$301	\$301	\$112

Notes:

¹ For purposes of this table:

- (A) a Type X includes a solid waste treatment facility, a drilling waste monofill, and an industrial solid waste monofill;
- (B) a Type Y includes a wood waste monofill; and
- (C) a Type Z includes an asbestos, a sewage solids, or an inert waste monofill.

² This fee is payable each year from the time final closure is completed under 18 AAC 60.430 – 18 AAC 60.490 until the department approves termination of the post-closure obligations under 18 AAC 60.270.

TABLE I-3 ONE-TIME SOLID WASTE FACILITY FEES	
Fee type¹:	
Initial permit application review fee ²	\$294
Storage plan review, at site without a permit	\$386
Solid waste treatment facility plan review	\$1,038
One-time use remote inert waste monofill authorization	\$1,000
One-time use remote asbestos monofill authorization	\$1,000
Waiver request or request for alternative compliance	\$343
Closure plan review, without a permit	\$490
Notes: ¹ Applicable fees must be submitted with the plan, prior to department review. ² The permit application review fee must be submitted at the time of initial permit application. The permit application review fee is not required for facilities that submit an application for permit renewal in accordance with 18 AAC 60.250. The permit application fee will not be required for an initial permit application or permit renewal for a Class III (community) landfill classified under 18 AAC 60.300(c)(3)(B).	

TABLE I-4 ANNUAL FEES FOR COVERAGE UNDER GENERAL PERMITS	
Type of general permit	Annual fee
Remote camps and lodges with fewer than 50 residents	\$100
United States Air Force long range radar sites (LRRS)	\$189
North Slope drilling waste long-term storage sites	\$1,319
Note: The first annual fee must be submitted with an application for coverage under a general permit as specified in 18 AAC 60.255(e); subsequent annual fees will be billed each year; a subsequent annual fee must be paid within 60 days after the date of billing for coverage under the general permit to remain in effect.	

18 AAC 60.700(b) is amended to read:

(b) Before the department will review a plan required under this chapter, an application for a permit, or any other document listed in Table **I-3** [I-2 or I-4] in (a) of this section, the applicant must pay each applicable fee.

18 AAC 60.700(c) is amended to read:

(c) Annual fees in Tables I-1, I-2, [I-3], and I-4[I-5] in (a) of this section will be billed at the beginning of each calendar year and must be paid within 60 days after the date of billing.

18 AAC 60.700(e) is repealed:

(e) Repealed __/__/__.

18 AAC 60.700(f) is amended to read:

(f) Except as provided in (i) of this section, for a solid waste facility or activity that is not listed in Table I-1, I-2, I-3, or I-4[, OR I-5] in (a) of this section, the department will

(1) assess a fee based on direct department costs, including

(A) \$49 [\$38] for each hour of staff time spent on the activity; and

(B) goods and third-party services; for purposes of this subparagraph, goods and third-party services include travel, if the business has more than 20 employees; or

(2) if the applicant requests, negotiate a fee to cover the costs of issuing the permit or approval sought.

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(Eff. 6/28/96, Register 138; am 10/29/98, Register 148; am 6/30/2002, Register 162; 7/11/2002, Register 163; am 9/7/2002, Register 163; am __/__/__, Register __)

Authority:	AS 37.10.052	AS 46.03.010	AS 46.03.100
	AS 44.46.020	AS 46.03.020	AS 46.03.110
	AS 44.46.025		

18 AAC 60.990(97) is amended to read:

(97) "polluted soil" means soil or residue **disposed of in a landfill** that is not a regulated hazardous waste and meets any of the following criteria [; SOIL THAT IS NOT POLLUTED UNDER THIS SECTION MAY BE CONSIDERED "CONTAMINATED SOIL" UNDER 18 AAC 75 OR 18 AAC 78]:

(A) contains a hazardous substance in a concentration exceeding **applicable cleanup standards** [AN "OVER 40 INCH ZONE" MIGRATION TO GROUNDWATER LEVEL] set in 18 AAC 75.341 Table B1 or Table B2, as amended as of **October 9, 2008** [AUGUST 8, 2002], adopted by reference; or

(B) contains petroleum contaminated media or debris associated with an underground storage tank that is exempted from regulation as a hazardous waste under 40 C.F.R. 261.4(b)(10), revised as of July 1, 1998, adopted by reference;

[(C) CONTAINS POLYCHLORINATED BIPHENYLS (PCBS) IN CONCENTRATIONS GREATER THAN 10 PPM;]
(Eff. 1/28/96, Register 137; am 10/29/98, Register 148; am 7/11/99, Register 151; am 6/30/2002, Register 162; am 9/7/2002, Register 163; am __/__/__, Register __)

Authority:	AS 44.46.020	AS 46.03.100	AS 46.03.810
	AS 46.03.010	AS 46.03.110	AS 46.06.010
	AS 46.03.020	AS 46.03.800	AS 46.06.080